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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Joseph Calderaro

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IBM CORPORATION- AUSTIN (JVL)  
C/O VAN LEEUWEN & VAN LEEUWEN  
PO BOX 90609  
AUSTIN, TX 78709-0609

EXAMINER

CHOI, PETER H

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,977

Applicant(s)

CALDERARO ET AL.

Examiner

Peter Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 1/6/06, 1/20/06.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Reason Regarding Priority under 37 CFR 1.43(a)

### **DETAILED ACTION**

1. Claims 1-20 are pending in the application. Claims 1-9, 12-15 and 18-20 have been amended.

### ***Response to Arguments***

2. Applicant's arguments filed December 18, 2005 have been fully considered but they are not persuasive.

Applicant has questioned the publication date of the 2000 Walker Reference.

In January 2001, Michael DeSanto discussed the 2000 Global Employee Relationship Report, conducted by the Walker Information Global Network and Hudson Institute.

In November 2000, HR Focus discussed "Commitment in the Workplace – The 2000 Global Employee Relationship Report".

In light of the cited references, the 2000 Walker survey was available at least as early as November 2000 and thus was properly cited as prior art under 35 USC § 103.

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Applicant argues that Paizis does not appear to be concerned with analyzing attrition risk.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that the Walker references discuss surveys of employee loyalty, and are not concerned with, and do not address the issue of analyzing attrition risk on an individual basis for individual employees.

The Examiner respectfully disagrees. The Examiner asserts that Walker Information (along with The Hudson Institute) administered a survey to a plurality of employees, whose individual results have been tallied and analyzed before being aggregated together for presentation in the Walker 2000 report. Specifically, the survey collects data regarding employee loyalty (i.e., their intent to stay with their employer), thus analyzing attrition risk.

Applicant argues that neither Paizis nor Walker teaches or suggests "calculating a flight risk" or "assigning a risk quadrant" for each individual employee.

The Examiner respectfully disagrees. As seen on page 2 of the 2000 Walker reference, employees have been grouped into one of four risk quadrants (Accessible, Truly Loyal, Trapped, High Risk). The Examiner asserts that the quadrant placing of each employee is based on their "flight risk", as determined by his or her survey results. The Examiner also asserts that each employee is placed into one of the four quadrants, and page 2 of the 2000 Walker reference is a summary of the overall distribution of survey participants.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Risk Response 485 in Figure 4
- "No" branch 652 in Figure 6
- "Yes" branch decision 682 in Figure 6
- Corporate Data 1345 in Figure 13
- Additional Comments Regarding Employee Potential 1575 in Figure 15
- End 1795 in Figure 17b
- Fibre Channel Card 2032 in Figure 20
- Wake 2085 in Figure 20

- Ring 2090 in Figure 20
- Reference Sign 1265 for the “No” branch in Figure 12 (Reference Sign 1262 is designated on page 47, line 4 of the specification)
- Reference Sign 1275 for the step of changing data based on additional anomaly queries in Figure 12 (Reference Sign 1280 is designated on page 47, line 10 of the specification)
- Reference Sign 1460 for the step of retrieving budget amounts in Figure 14 (Reference Sign 1450 is designated on page 50, line 9)

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Reference Sign 200 designates Compensatory Resources in page 17, line 24 of the specification, but appears as Enterprise Salary Data in Figure 2
- Reference Signs 320, 340, and 370 designate Employee Profile Data in the specification (page 21, line 2; page 22, line 12; page 23, line 2; page 24, line 13)
- Reference Sign 360 designates Employee Data in the specification at page 23, line 2
- Reference Sign 378 designates Retention Planning Data on page 24, line 5, but appears as ER/TR Planning Data in Figure 3

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- Reference Signs 364 and 368 designate Development Planning and Retention Planning (page 23, line 28; page 24, line 1) but appear as Development Planner and Retention Planner, respectively
- Reference Sign 382 designates Additional Planning on page 24, line 2, but appears as Additional Employee Data Tracking
- Reference Sign 430 designates Pre-planning Requests on page 26, line 14, but appears as Planning Request
- Reference Sign 455 designates What-If Results on page 27, line 3, but appears as What-If Response
- Reference Sign 450 designates What-If Scenarios Tool on page 26, line 24, but appears as What-If Scenarios
- Reference Sign 465 designates Employee Analysis Tool on page 27, line 18, but appears as Employee Analysis
- Reference Sign 480 designates Risk Assessment Component 480 on page 28, line 5, but appears as Risk Assessment
- Reference Sign 555 designates Update Salary Planning Data on page 29, line 7, but appears as Updated Salary Data
- Reference Sign 510 designates Available Stock Option Budget Data on page 29, line 21, but appears as Available Options
- Reference Sign 1075 designates the step of Updating Quadrant Data View on page 40, line 28, but appears as Refresh Quadrant View

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "665" (in Figure 6) and "685" (on page 32, line 17 of the specification) have both been used to designate a step of setting a flag and that the employee should be promoted.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "672" (in Figure 6) and "662" (on page 33, line 3 of the specification) have both been used to designate a "yes" branch indicating that the employee should receive stock options.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1050" (in Figure 10) and "1048" (on page 40, line 8 of the specification) have both been used to designate the step of making changes to an employee's planned nomination for stock options or other non-monetary award.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

8. The previous rejection to claims 1-7 made under 35 U.S.C. 101 are withdrawn.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paizis (U.S Patent #6,338,042) in view of Walker Information Global Employee Relationship Benchmark Reports from 1999 and 2000 (herein after referred to as Walker).

As per claim 1, Paizis teaches a computer-implemented method for analyzing attrition risk for employees, said method comprising:

- (a) receiving planning factor data (**employee data from performance evaluations such as employee competency and contributions**) from a user, the

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planning factor data corresponding to one or more selected employees (**using performance evaluations of a group of individuals who have substantially the same role in an organization**) [Figures 5A, 5B and 5C, Column 4, lines 11-12, Column 5, lines 34-48, Claims 1 and 6];

(b) storing the planning factor data in employee profile data areas (**current status section 502**), wherein each employee profile data area corresponds to one of the selected employees **{each row represents a different employee}** [Figures 5A, 5B and 5C]; and

(c) retrieving actual employment data (**current salary and names of employees**) for each of the selected employees in the employee profile data areas (**current status section 502**) [Column 9, lines 19-21, Figures 5A, 5B and 5C].

The planning factor data taught by Paizis is based on employee performance evaluations and does not focus on the risk of employee attrition. However, Walker teaches data (survey results) of employees pertaining to employee satisfaction with their workplace and their intent to stay with their employer (i.e., likelihood of employee attrition) that further reveals statistical breakdowns of employee loyalty, and their likelihood of staying with the company. Furthermore, Walker discusses the results of employees participating in the survey (thus, each participant's responses were individually collected, stored, and analyzed) [Pages 2 and 3 of the Walker 2000 Global Report, Pages 2-4 of the Walker 1999 U.S Report].

Paizis is directed towards considering employee worth in determining employee compensation (which impacts employee retention). Walker is directed towards an analogous art of studying employee relationships with their employer and its impact on loyalty and commitment (leading to employee retention); thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Paizis to include data pertaining to the risk of employee attrition in order to allow companies to take into consideration the factors impacting employee loyalty and commitment, which may lead to modifications to company policy and procedures in order to foster a greater sense of loyalty and commitment from employees, and establishing greater levels of fairness, trust, care, and concern from employers, leading to increased levels of employee retention, loyalty, and commitment.

Although not explicitly taught by Paizis, Walker teaches:

(d) analyzing attrition risk (**determining levels of employee commitment and intent to stay, embodied in a "loyalty quadrant"**) for each of the selected employees using the risk planning factor data (**survey results of global employees pertaining to their commitment and loyalty to their employers and why they feel that way**) and the actual employment data, wherein the attrition risk is individually analyzed for each of the selected employees **{survey results, including attrition risk, are collected for each individual participant before they are consolidated }** [Page 2 of the Walker 2000 Global Report, similar data found on Page 2 of the Walker 1999 U.S Report].

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Paizis to combine employee data with studies on employee loyalty and commitment, because the combination would enable the company to determine the attrition risk of employees and accordingly develop changes in company policy or procedures in order to improve employee loyalty and commitment, which may lead to a decrease in employee attrition.

Claims 8 and 14 recite limitations (receiving and storing employee risk planning factor data and employment data, analyzing attrition risk of employees using received data) similar to those of claim 1 as discussed above; therefore, the same rejection applies.

As per claim 2, Paizis teaches the computer-implemented method as described in claim 1 further comprising:

(c) retrieving contribution data **(measuring levels of contribution of employees, where levels of contribution may include contributions to leadership, overall business results or goals; obtaining contribution scores, which reflect the overall perceived levels of contribution of individuals in a position)** included with the actual employment data corresponding to the selected **{each row represents a different employee }** employees [Column 4, lines 33-35, 49-50, and 53-54, Column 5, lines 60-63, Claims 1, and 6 ].

Although not explicitly taught by Paizis, Walker teaches:

(a) retrieving motivators and inhibitors (**availability of other job opportunities, fair pay, family-friendly benefits, freedom to make decisions, ability to manage own work, supervisors paying attention to how people feel, fairness at work, care and concern for employees, trust in employees, ethical environment of employees and supervisors**) included with the risk planning factor data {**measuring intent to stay**} corresponding to the selected employees [Pages 3-5 of the Walker 2000 Global Report, Pages 2-4 of the 1000 Walker U.S Report ]; and

(b) calculating a flight risk (**likelihood of employees who are truly loyal {like the company and want to stay}, accessible {like the company, but might switch jobs}, trapped {staying with the company but are “undesirable” employees}, and high risk {halfway out the door}**) for each of the selected employees {**for each participant in the survey**} based on the motivators and inhibitors, wherein the flight risk is individually calculated for each of the selected employees {**intent to stay is measured for each participant in the survey, and then used to place said participant into a loyalty quadrant**} [Page 2 of the Walker 2000 Global Report, Pages 1-3 of the 1999 Walker U.S Report {which also includes a breakdown by industry} ].

As per element (d): Paizis teaches the ranking of employees according to a weighted score of employee competencies and contributions. Walker teaches the step

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of assigning a risk quadrant (**loyalty quadrant**) from a plurality of risk quadrants to each of the selected employees **{for each participant in the survey}** based on the flight risk corresponding to each employee [Page 2 of the Walker 2000 Global Report].

Paizis is directed towards considering employee worth in determining employee compensation (which impacts employee retention). Walker is directed towards an analogous art of studying employee relationships with their employer and its impact on loyalty and commitment (leading to employee retention); thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Paizis of Walker to assign a risk quadrant to each employee based on a weighted score of their flight risk and contributions, because it would enable the company to cluster employees into groups of similar flight risk and contribution levels, leading to the "prioritizing" of employees who should be targeted for retention since certain combinations of flight risk and contributions are more desirable than others (i.e., high contribution, high flight risk vs. low contribution, high flight risk, etc.).

Claims 9 and 15 recite limitations (retrieving employee motivators and inhibitors to calculate a flight risk, placing employees into risk quadrant based on their contribution and flight risk) similar to those of claim 2 as discussed above; therefore, the same rejection applies.

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As per claim 3, although not explicitly taught by Paizis, Walker teaches the computer-implemented method as described in claim 2 further comprising displaying a summary corresponding to each risk quadrant (**quadrants are labeled, Truly Loyal, Accessible, Trapped, and High Risk**) [Page 2 of the Walker 2000 Global Report, Pages 1-2 of the Walker 1999 U.S Report].

Claims 10 and 16 recite limitations (displaying risk quadrant summaries) similar to those of claim 3 as discussed above; therefore, the same rejection applies.

As per claim 4, Paizis teaches the computer-implemented method as described in claim 3 further comprising:

- (a) displaying a plurality of groupings (**rankings**) [Column 6, line 23];
- (b) receiving a risk quadrant selection and a grouping selection from the user (**selecting an employee to be analyzed to determine a need to modify their pay value data**) [Column 3, lines 1-2];
- (c) summarizing employee profile data assigned to the selected risk quadrant using the selected grouping creating a second summary (**generating a display including a representation of the suggested level of compensation for each individual in the group of individuals** {which can inherently be aggregated within each quadrant to provide a summary}) [Claim 1]; and

(d) displaying the second summary (**generating a display including a representation of the suggested level of compensation for each individual in the group of individuals**) [Claim 1].

Claims 11 and 17 recite limitations (displaying groupings of employees, summarizing and displaying employee profile data assigned to risk quadrants selected by the user) similar to those of claim 4 as discussed above; therefore, the same rejection applies.

As per claim 5, Paizis teaches the computer-implemented method as described in claim 3 further comprising:

(b) determining whether incentives are desired for one or more of the selected employees in the selected risk quadrant (**modifications to the target market pay for individuals**) [Column 7, lines 12-13, 16-26, ]; and

(c) modifying incentive data (**computing suggested target market pay or modified pay levels**) included in employee profile data areas corresponding to the one or more selected employees [Column 7, lines 16-50].

Paizis does not explicitly teach:

(a) selecting one of {the employees in one of} the risk quadrants [an inherent step that enables a determination to be made regarding a need to modify pay value data].

However, Paizis does teach the step of selecting individual employees in order to make a determination of modifying target market pay values [Column 3, lines 1-2]. Each employee inherently belongs to one of the defined risk quadrants; thus, Paizis effectively teaches the step of selecting a risk quadrant, meeting the limitation of the claim.

Claims 12 and 18 recite limitations (selecting a risk quadrant to determine whether employees in said risk quadrant should receive modifications to their incentive data profile) similar to those of claim 5 as discussed above; therefore, the same rejection applies.

As per claim 6, Paizis teaches the computer-implemented method as described in claim 5 further comprising:

- (a) reassigning the risk quadrants **(after the changed target market pay information is obtained, revised rankings are displayed; re-ranking employees)** for one or more selected employees **{for each participant in the survey}** in response to the modified incentive data [Column 7, lines 24-26, Column 9, line 64 - Column 10, line 3, and Claim 8]; and
- (b) displaying a second summary corresponding to each risk quadrant **(generating a display including a representation of the suggested level of**

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**compensation for each individual in the group of individuals** {which can inherently be aggregated within each quadrant to provide a summary}} [Claim 1].

Claims 19 recite limitations (use modified incentive data to reassign employees into risk quadrants and display summaries of each risk quadrant) similar to those of claim 6 as discussed above; therefore, the same rejection applies.

As per claim 7, Paizis teaches the computer-implemented method as described in claim 1 further comprising:

(b) displaying the identified employees to the user (**employee rankings are displayed in step 324 such that a user may review the rankings**) [Column 6, lines 23-24];

(c) determining whether to provide incentives to one or more of the identified employees (**modifications to the target market pay for individuals**) [Column 7, lines 12-13, 16-26, ]; and

(d) revising (**making changes to**) incentive planning data (**computing suggested target market pay or modified pay levels**) corresponding to one or more of the identified employees in response to the determination [Column 7, lines 16-50].

Paizis does not explicitly teach:

(a) identifying one or more of the selected employees with a high contribution level and a high attrition risk:

However, Paizis teaches the display of employee rankings, which enables the user to identify users with certain characteristics such as high or level contribution levels and competency scores [Column 6, lines 23-24, Figures 5A, 5B, and 5C]. Furthermore, Paizis teaches the use of computer spreadsheets, enabling employees to be sorted according to contribution level, competency score, or combined score.

Walker teaches the analysis of attrition risk **(determining levels of employee commitment and intent to stay, embodied in a “loyalty quadrant”)** for one or more of the employees **(survey results of global employees pertaining to their commitment and loyalty to their employers and why they feel that way)** [Page 2 of the Walker 2000 Global Report].

Paizis is directed towards considering employee worth in determining employee compensation (which impacts employee retention). Walker is directed towards an analogous art of studying employee relationships with their employer and its impact on loyalty and commitment (leading to employee retention); thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Paizis of Walker to combine employee data regarding contribution level and attrition risk, because it would enable the company to cluster employees into groups of similar flight risk and contribution levels, leading to the identification and “prioritizing” of employees who should be targeted for retention by being approached

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with an intent to modify their compensation package to increase the likelihood of retention, loyalty, and commitment, since certain combinations of flight risk and contributions are more desirable than others (i.e., high contribution, high flight risk vs. low contribution, high flight risk, etc.), and because any increase in an employee's compensation package (to ensure retention) is still less costly than the cost incurred in training new hires.

Claims 13 and 20 recite limitations (identifying at-risk employees with high contribution levels and determining whether to provide revisions to the incentive planning data of such employees) similar to those of claim 7 as discussed above; therefore, the same rejection applies.

As per claim 8, Paizis teaches an information handling system comprising:

- (a) one or more processors (**CPUs 632**) [Column 11, lines 10-12];
- (b) a memory (**memory devices which include a first primary storage device 634 that is typically RAM, and a second primary storage device 636 that is typically ROM**) accessible by the processors [Column 11, lines 12-35];
- (c) one or more nonvolatile storage devices (**mass memory device 638**) accessible by the processors [Column 11, lines 25-35]; and
- (d) an attrition risk tool to analyze attrition risk of employees, the attrition risk tool including:

(i) means for receiving risk planning factor data from a user, the risk planning factor data corresponding to one or more selected employees [see discussion of claim 1(a) above];

(ii) means for storing the risk planning factor data in employee profile data areas, wherein each employee profile data area corresponds to one of the selected employees [see discussion of claim 1(b) above];

(iii) means for retrieving actual employment data for each of the selected employees in the employee profile data areas [see discussion of claim 1(c) above]; and

(iv) means for analyzing attrition risk for each of the selected employees using the risk planning factor data and the actual employment data, wherein the attrition risk is individually analyzed for each of the selected employees [see discussion of claim 1(d) above].

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Choi  
Examiner  
Art Unit 3623

February 28, 2006

*Susanna Diaz*  
SUSANNA M. DIAZ  
PRIMARY EXAMINER  
*AU 3623*

***Decision Regarding Petition Under 37 C.F.R. § 1.48(a)***

1. In view of the papers filed May 22, 2002, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding the following inventors: Catherine Marshall Baritell and Ann Haigler Spivey.

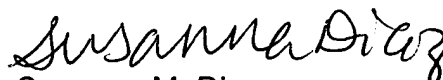
The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

January 3, 2006